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Date:

9/28/09

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Patent

Attorney Docket No. 13791-23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): David GREENSPAN et al.

Mail Stop: Amendment

International Application No.: PCT/US2004/043097

International Filing Date: December 17, 2004

U.S. Application No.: 10/582,695

Group Art Unit: 1612

Filing Date: March 21, 2007

Examiner: Kosinski, Irina Y

Title: Compositions and Methods for Preventing or Reducing
Plaque and/or Gingivitis Using a Bioactive Glass Containing
Dentifrice

Confirmation No.: 6560

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Restriction Requirement mailed September 2, 2009, Applicants elect Group I, claims 1-18, drawn to a method of preventing or reducing plaque or plaque build-up in an individual's oral cavity by contacting it with the composition comprising bioactive glass particles. This election is made **with traverse**. Applicants reserve the right to file divisional application(s) based on the non-elected claims.

The Office Action states that the inventions of Groups I and II do not relate to a single general inventive concept because Stoor et al., U.S. Patent No. 6,190,643 ("Stoor"), discloses the use of bioactive glass particles in a composition for prevention of dental caries. Applicants respectfully traverse. Applicants submit that the claims of Groups I and II relate to a single general inventive concept because they share the special technical feature of a composition comprising about 0.25 to about 10% by weight bioactive glass (except for claim 32, which includes a composition comprising about 1 to about 10% by weight bioactive glass). In contrast, Stoor discloses compositions comprising about 40 to 80 weight %

bioactive glass. *See*, c. 3, ll. 7. As such, Stoor fails to disclose or even reasonably suggest the special technical feature of claims 1-34. Further, the high percentage of bioactive glass in the compositions of Stoor makes a significant difference in the products that can be formulated using the disclosed compositions. In particular, the high percentage of bioactive glass significantly limits the ability to formulate liquid and gel products using the compositions of Stoor. For example, it is not feasible to formulate a mouth wash or rinse using the compositions of Stoor because it would be impossible to prepare a liquid formulation comprising such a high percentage of bioactive glass. Further, it would be extremely difficult to make a commercially viable toothpaste formulation comprising the compositions of Stoor because the toothpaste would be much more thick and gritty than any commercially available toothpaste product. Accordingly, Applicants submit that the common technical feature of claims 1-34 is not disclosed or suggested by Stoor. As such, Applicants respectfully request that the restriction requirement be reconsidered and withdrawn.

Although it is believed that no fee is necessary, the Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 23-1925.

If any questions remain, the Examiner is invited to contact the undersigned at the number given below.

Respectfully submitted,

BRINKS HOFER GILSON & LIONE

Date: September 28, 2009

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